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Attorneys for Plaintiffs
Gayle Leier, individually and as
Guardian Ad Litem for J.L. and D.L.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

| | | |
|---|---|-------------------------------------|
| GAYLE LEIER, individually and as Guardian Ad Litem for minor Plaintiffs J.L. and D.L. |) | Case Number: C 09-02240 PVT |
| Plaintiffs, |) | FIRST AMENDED (PROPOSED) |
|) |) | ORDER GRANTING |
|) |) | PETITION FOR APPROVAL |
|) |) | MINORS' COMPROMISE OF |
| vs. |) | DISPUTED CLAIM FOR MINORS |
|) |) | J.L. and D.L. |
| COUNTY OF SAN BENITO. |) | |
| Jennifer Cress, Tracey Belton. |) | |
| and Does 1-10 inclusive |) | |
| Defendants. |) | |
| |) | |

Upon review of the file and consideration of the documents submitted to the Court, the Court does hereby find and order as follows:

1. As a result of said incident, said minors, their grandmother/plaintiff GAYLE LEIER filed a claim for damages against the COUNTY OF SAN BENITO, and individual County of San Benito

employee-defendants.

a. J.L., a minor, to receive \$130,000.00 and pay attorneys fees in the amount of \$45,500.00.. the remaining sum of \$84,500.00 to be placed in two annuities, the details of which are attached to this order as Exhibit "1."

b. D.L.. a minor, to receive \$40,000.00 and pay attorneys fees in the amount of \$20,000.00.. the remaining sum of \$20,000.00 to be placed in an annuity, the details of which are attached to this order as Exhibit "1."

c. Gayle Leier, to receive \$130,000.00.

d. Counsel agree to waive costs.

2. Plaintiffs' counsel may attach the fully-executed Judgment on Stipulation document, as modified by this Order, including the Exhibit 1 attached to the Petition for Minor's Compromise, to this Order for purposes of submitting same to Pruco Assignment Corporation (PRUCO) The Prudential Life Insurance Company of America, Allstate, and/or Ringler Associates.

3. The Court approves of the dismissal of all claims, of all Plaintiffs, as to the individually named employee-defendants, and all employees of the County of San Benito, with prejudice. Plaintiffs counsel shall submit such dismissal promptly after the annuity/annuities set forth in the Judgment on Stipulation have been funded, and all other consideration has been received by Plaintiffs counsel.

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4. In the event that the annuities are not fully funded by the time the current rate quote expires on October 1, 2009, and a new quote must be generated, the parties, The Prudential Insurance Company of America, (PRUCO Assignment Corporation), Allstate and/or Ringler Associates may proceed to execute and fund the requited annuities without need for further order of this Court, so long as the future payments to be received by minor Plaintiffs do not increase or decrease more than five percent (5%), and all other terms of the structured settlement remain the same (input amounts, dates of future payments, distribution between Plaintiffs and their counsel).

IT IS SO ORDERED

11/12/09


U.S. District Magistrate Judge

Exhibit “1”



Pruco Assignment Corporation
St. James House, 2nd Street
St. James, Barbados

The Pruco Assignment Corporation is presenting this Annuity Quote which, if accepted, would be funded by an insurance contract issued by The Prudential Insurance Company of America.

Y
Annuity Quote for: [REDACTED] - 10/1/09PD

| | | | |
|--------------------|----------------------|-----------------|------------|
| Owner Jurisdiction | Barbados (0.00% tax) | Quote Date | 08/14/2009 |
| Rate Series | PRU131 | Purchase Date | 10/11/2009 |
| Rates Effective | 04/22/2009 | Expiration Date | 09/06/2010 |

| | | | |
|---------------|--------|----------------|---------|
| Payments For: | Female | Date of Birth: | Age: 14 |
|---------------|--------|----------------|---------|

| Lump Sums | Amount | Age | Payment Date | Premium Incl 0.00% Tax |
|---------------------|-------------|-----|--------------|---------------------------|
| Lump Sum Guaranteed | \$74,766.04 | 25 | [REDACTED] | \$44,500.00 |
| Subtotal For: | | | | \$44,500.00 |

| | | | |
|---------------|------|----------------|--------|
| Payments For: | Male | Date of Birth: | Age: 6 |
|---------------|------|----------------|--------|

| Lump Sums | Amount | Age | Payment Date | Premium Incl 0.00% Tax |
|---------------------|-------------|-----|--------------|---------------------------|
| Lump Sum Guaranteed | \$53,906.12 | 25 | [REDACTED] | \$19,500.00 |
| Subtotal For: | | | | \$19,500.00 |

SUMMARY INFORMATION

| | |
|-----------------------------------|--------------------|
| ANNUITY COST..... | \$64,000.00 |
| Assignment Fee | \$1,000.00 |
| TOTAL ANNUITY COST W/ FEES | \$65,000.00 |

The Structured Settlement broker presenting this quote must confirm that this Quote complies with Prudential Insurance Company of America's requirements. If it does not, the quote is presented.

This Pruco Assignment Corporation Quote will not be binding on the Pruco Assignment Corporation except as otherwise provided. This Quote may only be accepted in its entirety and not in part unless approved by the Pruco Assignment Corporation, in its sole discretion.

Quote Purchase Date is after Quote Expiration Date. The premium due or rate commitment letter must be submitted on or before the Purchase Date. If a rate commitment letter is properly submitted, the premium due must be submitted on or before the Purchase Date.

Once accepted, the Pruco Assignment Corporation may withhold payments and not release a contract until all required documents are received. Until a beneficiary designation form is signed by the payee(s), the beneficiary will be the estate of the payee(s).

- Defined Term; see Definitions Report for details
- PLEASE FURNISH A COPY OF THIS ILLUSTRATION WITH THE DATA TRANSMITTAL FORM

| | | | |
|----------------------|--------------------------|--------------|--------------------------------------|
| Quote ID: [REDACTED] | Prepared by: Sheik Ahmad | Aug 19, 2009 | The Prudential Financial Corporation |
| | | Page 1 of 1 | |



Date Prepared: 09/04/2009

Allstate Life Insurance Company

| Description Of Benefits | Guaranteed Benefits | Cost |
|---|---------------------|----------|
| For: [REDACTED] Sex: [REDACTED] Age: [REDACTED] DOB: [REDACTED] [REDACTED] NLE: 66.5 Years | | |
| A guaranteed payment of \$10,000.00 on [REDACTED]/2013. | \$10,000 | \$9,928 |
| A guaranteed payment of \$35,384.35 on [REDACTED]/2016. | \$35,384 | \$29,072 |
| Sub Total | \$45,384 | \$39,000 |
| TOTAL EXPECTED AND GUARANTEED BENEFITS: | \$45,384 | |
| ASSIGNMENT FEE: | | \$500 |
| TOTAL COST: | | \$39,500 |

Assumed Deposit Date: 11/01/2009
Rate Code: 08/13/2009

Quotes are valid for 7 days unless Allstate announces a rate change.
Normal Life Expectancies are taken from the 2002 U.S. Life Tables.